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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,721	11/20/2003	Daniel R. Pavlik	P-20005.00	8711
27581	7590	06/23/2006	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			JOHNSON, SHEVON ELIZABETH	
			ART UNIT	PAPER NUMBER
			3766	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,721	Applicant(s) PAVLIK ET AL.	
	Examiner Shevon E. Johnson	Art Unit 3766	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/4/04 and 4/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Resistance Welded Junction for Medical Electrical Leads. The disclosure is objected to because of the following informalities: on page 4, characters 63A and 63B not consistent with figures 6A and 6B. Appropriate correction is required.

Drawings

2. The drawings are objected to because in figures 6A and 6B, the characters 62A and 62B are inconsistent with the specification, in figure 6, a title and legend should be included and in figure 7, a title should be include and the X/Y axes should be labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Additionally the drawings have been objected by the Draftsperson refer to PTO-948 for details. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Boser et al. (U.S. Patent No. 5,676,694), as cited by applicant.

In regards to claim 1, Boser discloses a medical electrical lead 10, comprising: a component 212/312 including a surface and a groove formed in the surface; a conductor extending within the lead and including a portion positioned within the groove 314 of the component; and a resistance weld formed between the portion of the conductor and the component (col. 4, lines 32-67; col. 5, lines 14-22; figs. 3, 4 and 6).

In regards to claim 2, Boser discloses a medical electrical lead wherein the surface has a curved profile (col. 4, lines 54-67; col. 5, lines 14-22; figs. 4 and 6).

In regards to claims 3 and 4, Boser discloses a medical electrical lead wherein the surface of the component forms an inner and outer diameter (col. 4, lines 54-67; col. 5, lines 14-22; figs. 4 and 6).

In regards to claim 8, Boser discloses a medical electrical lead wherein the conductor is a coil (col. 4, lines 54-67; col. 5, lines 14-22; figs. 4 and 6).

In regards to claim 10, Boser discloses a medical electrical lead wherein the groove extends approximately transverse to a longitudinal axis of the component (col. 4, lines 54-67; col. 5, lines 14-22; figs. 4 and 6).

In regards to claim 12, Boser discloses a medical electrical lead wherein the groove includes an approximately semi-circular cross-section (col. 4, lines 54-67; col. 5, lines 14-22; figs. 4 and 6).

6. Claims 1-5, 8, 9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Safarevich et al. (U.S. Patent No. 5,676,694), as cited by applicant.

In regards to claims 1, 13 and 14, Safarevich discloses a medical electrical lead (col. 2, lines 28-34), comprising: a component including a surface and a groove formed in the surface; a conductor extending within the lead and including a portion positioned within the groove of the component; and a

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resistance weld formed between the portion of the conductor and the component (col. 4, lines 21-26; col. 8, lines 29-62; figs. 6, 6A, 7, 7A).

In regards to claims 2-4, Safarevich discloses a medical electrical lead wherein the surface has a curved profile and wherein the surface of the component forms an inner 88 and outer diameter 90 (col. 8, lines 29-62; figs. 6, 6A, 7, 7A).

In regards to claim 5, Safarevich discloses a medical electrical lead wherein the surface of the component forms an inner diameter and the component further includes an outer electrode surface (col. 8, lines 29-62; figs. 7, 7A).

In regards to claim 8, Safarevich discloses a medical electrical lead wherein the conductor is a coil (col. 8, lines 29-40; figs. 6, 6A).

In regards to claim 9, Safarevich discloses a medical electrical lead wherein the groove extends approximately aligned with a longitudinal axis of the component (col. 8, lines 29-40; figs. 6, 6A).

In regards to claim 12, Safarevich discloses a medical electrical lead wherein the groove includes an approximately semi-circular cross-section 92 (col. 8, lines 29-40; figs. 6, 6A).

7. Claims 1, 2, 7-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cross, Jr. et al. (U.S. Patent No. 5,935,159), as cited by applicant.

In regards to claims 1 and 2, Cross discloses a medical electrical lead, comprising: a component including a surface and a groove formed in the surface; a conductor extending within the lead and including a portion positioned within the groove of the component; and a resistance weld formed between the portion of the conductor and the component and wherein the surface has a curved profile (col. 1, line 66 – col. 2, lines 1-66; figs. 1-3).

In regards to claims 7 and 8, Cross discloses a medical electrical lead wherein the conductor is a cable or coil (col. 2, lines 52-66).

In regards to claim 9, Cross discloses a medical electrical lead wherein the groove extends approximately aligned with a longitudinal axis of the component.

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In regards to claim 12, Cross discloses a medical electrical lead wherein the groove includes an approximately semi-circular cross-section.

Allowable Subject Matter

8. Claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 15-24 allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a method for forming a resistance weld between a conductor and a component of a medical electrical lead as claimed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shevon Johnson whose telephone number is (571) 272-2010. The examiner can normally be reached on M-F (8 a.m. - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shevon Johnson
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Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3766